

CLASSIFICATION OFFICE DECISION

Title of publication: Screeny Weeny - World's Best Fake-Penis

Other known title(s): Not stated

OFLC ref: 1200676.000

Medium: Advertising Material

Publisher: Not stated

Country of origin: Germany

Language: English

Applicant: Comptroller of Customs

Classification:	Objectionable except if the availability of the publication is restricted to persons who have attained the age of 18 years.
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Descriptive note: None

Display conditions: The publication must be publicly displayed only in premises, or a part of premises, set aside for the public display of restricted publications (whether or not articles other than restricted publications are also displayed in those premises or that part of those premises);

or

The publication must not be publicly displayed in any place in which the publication is available for supply, and must be shown in that place only to persons who make a direct request for the publication.

Date of entry in Register: 26 September 2012

Date of direction to issue a label: No direction to issue a label has been issued

Date of notice of decision: 25 September 2012

Summary of reasons for decision:

The advertising material is a double-sided card that originates in the German cultural context and ostensibly advertises items that can be used to avoid the detection of drug use. It is restricted to adults because it contains an image showing a woman with a penis apparently urinating in the mouth of a figure in a head-mask. Although both the penis and the urine are fake or synthetic products, the image is explicit and degrading. This image is likely to shock or disturb children and young people.

The material is clearly intended to be playful and humorous and it is likely that many people would consider that the card advertises "joke" products. It features a clown character known in Germany for his preoccupation with urine, and it is clearly intended for adults. Although the vulgar humour of the image on the front references a sexual practice, there are no other sexual elements on the card and it does not promote or support the use of urine in association with sexual conduct. Nor is it likely that its contents would encourage drug use.

A Bill of Rights framework requires that limitations on the availability of publications must be reasonable and demonstrably justifiable. Restricting the availability of the advertising material to adults represents the minimum interference with freedom of expression that is consistent with preventing injury to the public good.